

Statement of  
**Jack Craven**  
**Director of Lands**  
**Forest Service, United States Department of Agriculture**

before the Subcommittee on  
Forests and Public Land Management  
Committee on Energy and Natural Resources  
United States Senate

June 8, 2000

Concerning  
**H.R. 359**  
**H.R. 468**  
**H.R. 1680**  
**S. 1972**  
**S. 2111**

Mister Chairman and Members of the Subcommittee:

Thank you for the opportunity to present the Administration's views concerning five bills:

**H.R. 359**, an Act to clarify the intent of Congress in Public Law 93-632 to require the Secretary of Agriculture to continue to provide for the maintenance and operation of certain water impoundment structures that were located in the Emigrant Wilderness at the time the wilderness area was designated in that Public Law. The Administration objects to H.R. 359.

**H.R. 468**, an Act to establish the Saint Helena Island National Scenic Area. The Administration supports this bill with a minor amendment.

**H.R. 1680**, an Act to provide for the conveyance of Forest Service property in Kern County, California, in exchange for county lands suitable for inclusion in Sequoia

National Forest. I want to acknowledge the good work that Congressman Thomas has done to help resolve some of the issues the Administration had with the previous version of this bill. We would not object to this bill if it is amended as suggested.

**S. 1972**, a bill to direct the Secretary of Agriculture to convey to the town of Dolores, Colorado, the current site of the Joe Rowell Park. We would not object to this bill if it is amended as suggested.

**S. 2111**, a bill to direct the Secretary of Agriculture to convey for fair market value 1.06 acres of land in the San Bernardino National Forest, California, to KATY 101.3 FM, a California corporation. We do not object to this bill if it is amended as suggested.

### **H.R. 359**

H.R. 359, as passed by the House, would require the Secretary of Agriculture to provide for the maintenance and operation through a cooperative agreement with a non-federal entity of 12 of the 18 water impoundment structures located in the Emigrant Wilderness in California. The dams are composed of mostly rock and mortar, with the exception of one earth-fill dam. Many of the dams have deteriorated over time as maintenance levels have decreased. Seven structures are in poor condition and are leaking significantly or have washed out and no longer function. The remaining eleven structures are in fair to good condition. Because of the age and theme of some dams, seven are now eligible for listing on the National Register of Historic Places.

During the 1970's and 1980's, maintenance was shared between the Forest Service and the California Department of Fish and Game (CDFG). The last permit issued to CDFG

for maintenance and operation was in 1975 and included the 11 structures that remain in fair to good condition. CDFG declined to participate in maintenance of the other seven structures. CDFG has since indicated that they would no longer maintain or operate the eleven structures.

The Final Environmental Impact Statement and Record of Decision establishing the Emigrant Wilderness management direction were released on April 8, 1998. The Forest Supervisor's decision considered more than 400 substantive comments received during public scoping and Draft Environmental Impact Statement public review. The decision allowed for the maintenance of eight dams and allowed the remaining ten structures to deteriorate naturally over time. Except for Y Meadow Lake (which has no fish), no lakes will be eliminated due to the eventual deterioration of these ten structures. In some cases, deterioration may take up to 50 years or more.

Fourteen appeals were filed, ten of which addressed the dams. The appeal positions range from continued maintenance and operation of all 18 structures to no maintenance of any of them. In October 1999, the Regional Forester affirmed in part and reversed in part the Forest Supervisor's decision. In reversing a portion of the decision, the Regional Forester directed the Forest Supervisor to document whether or not each structure was necessary to meet the minimum requirements for the administration of wilderness. The Forest Supervisor has provided this documentation for each of the dams to the Regional Forester.

H.R. 359 directs the Forest Service to provide for operation and maintenance of four more structures than the eight that were identified in the management plan. Maintenance and operation of structures that were not necessary to meet the minimum requirements for the administration of wilderness would diminish the area's wilderness quality.

The bill also does not address the responsibilities of the Secretary regarding obligation of Federal resources or funding to maintain and operate the structures if a non-federal entity is not found. The bill should provide that the Federal government is under no obligation to operate and maintain the structures it has determined are not necessary for the administration of the area as wilderness if a cooperator is not found or the agreement is subsequently terminated. For these reasons, we continue to object to this bill.

#### **H.R. 468**

This bill would establish the Saint Helena Island National Scenic Area in the State of Michigan to be included within the Hiawatha National Forest. It would authorize the purchase of private land on the island from willing sellers. The creation of the Saint Helena Island National Scenic Area would preserve and protect this outstanding resource. The island provides habitat for rare, threatened, and endangered plant species, and a great blue heron rookery. The addition of this land to the Hiawatha National Forest would provide opportunities for recreation experiences in a primitive setting outside of wilderness. For these reasons, the Administration supports this legislation if the following consideration is given.

The bill would require the Forest Service to develop a management plan within three years of enactment. We would recommend that the bill direct the management plan be developed after 50% of the lands within the scenic area are acquired by the Forest Service.

#### **H.R. 1680**

This bill would convey 88 acres of national forest land to Kern County, California in exchange for approximately 52 acres of land owned by Kern County. Congressman Thomas has worked hard to meet some of the concerns we expressed at the House hearing on this bill; however, certain issues remain. This bill should be clarified to require that fair market value be established by an appraisal prepared in accordance with the Uniform Appraisal Standards for Federal Land Acquisitions and approved by the Secretary. This bill also should be revised to remove the cap of \$100,000 on the cash equalization payments. These amendments would ensure that the taxpayers receive fair market value for public assets. With these amendments, we would not object to this bill.

#### **S. 1972**

This bill would convey approximately 25 acres of national forest system land to the town of Dolores, Colorado. The land is currently under special use permit to the Town for use as a park. If the bill were amended to provide for fair market value in consideration for the conveyance, the Administration would not object to the bill.

## **S. 2111**

S. 2111 would direct the Secretary of Agriculture to convey for fair market value 1.06 acres of national forest system land within the San Bernardino National Forest to KATY 101.3 FM, a California corporation. It would resolve a four-year dispute between the Forest Service and KATY-FM over their unauthorized use and occupancy of national forest system land.

This bill will provide the public with payment of the fair market value of the subject parcel and with accrued land use rental fees for its use as a broadcast site over the past four years. The Administration does not object to this bill but recommends that it be amended with a provision that directs KATY to assume any liability of any buildings or personal property belonging to any third party and existing on the subject parcel of national forest system land to be conveyed. Amending S. 2111 in this manner will protect the United States against possible claims by any third parties who may have an interest in the facilities located on this parcel.

This concludes my testimony. I would be glad to answer any questions you may have.